

Application Serial No. 10/803,914  
Reply to Office Action dated May 3, 2006

RECEIVED  
CENTRAL FAX CENTER  
AUG 03 2006

### REMARKS/ARGUMENTS

On page 2 of the Office Action, the Examiner outlines a rejection of claims 1-3, 9-14, 16 and 18-20 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,644,302 to Bartley. An alternative claim rejection is presented on page 5 in which the Examiner rejects claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,012,554 to Hirsch. Claim 15 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartley and claims 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirsch and in view of Barnes et al. (U.S. Patent No. 6,112,916). These rejections are respectfully traversed for the reasons set forth below.

In general, the present invention is directed to an oven rack for supporting a food item to be cooked in an oven cavity of an appliance. The oven rack includes a frame portion including front, rear and opposing side rods with the front rod having first and second down-turned segments that are joined by a vertically offset portion. A support platform including a first plurality of spaced support members and a second plurality of spaced support members which are configured different from the first plurality of spaced support members and extend between select ones of the front, rear and opposing side rods of the frame portion to establish both a food item support zone and a food item access. The food item access zone is defined at the vertically offset portion. These limitations are set forth in both independent claims 1 and 18.

In rejecting the claims, the Examiner relies upon Bartley which discloses an oven rack having a notch 18 formed in a periphery of a frame 12 and a vertically offset portion that provides access at the notch to items placed upon the oven rack. The vertically offset portion is defined as a handle 26 that is suspended from about ¼ of an inch to about 4 inches below a surface of the rack. Handle 26 is described as a simple U-shaped bar suspended below the surface of the oven rack. Handle 26 is further described as having a flattened U-shape with each arm of the U being attached to an outer corner 30 of notch 18. Contrary to the position taken by the Examiner, handle 26, while being attached to a

Application Serial No. 10/803,914  
Reply to Office Action dated May 3, 2006

front portion of the oven rack, is not part of the front rod as required by claims 1 and 18. That is, the handle is a separate piece which is attached to the front portion of the rack. This is quite different from the present arrangement which provides a simplified and structurally improved configuration. Regardless, in order to more particularly point out and distinctly claim the present invention, claims 1 and 18 have been amended to recite that the first and second down-turned segments are continuous and integrally formed as part of the front rod, i.e., the down-turned segments constitute sections of the front rod. In contrast, the front rod in Bartley is bent inward to form a generally U-shaped region, with handle 26 being attached to outer corners 30 of the U-shaped region. Therefore, claims 1 and 18 now more clearly define the vertically offset portion as being an integral and continuous part of the front rod and not another part attached thereto through, for example, welding.

In an alternative claim rejection, the Examiner rejects claims 1-17 as being anticipated by Hirsch. Hirsch discloses a kitchen range oven rack having a frame portion including front, rear and opposing side rods 11 and 11A, with rods 11 being interconnected through a plurality of transverse rods 12A. Transverse rods 12A include a recessed region within which nests first and second rings 17 and 18 that define a food support portion of the oven rack. Initially, it should be noted that the oven rack described by Hirsch does not include a support platform having a first plurality of spaced support members and a second plurality of spaced support members which extend between select ones of the front, rear and opposing side rods with the first and second plurality of support members being configured differently. At best Hirsch includes a single plurality of spaced support members all of which are configured differently to receive rings 17 and 18. Moreover, the vertically offset portion formed in frame member 11A does not form a food access zone, as stated above, but is simply formed so as to receive rings 17 and 18.

Regardless of these distinctions, it should be clear that ring 18 can rotate relative to ring 17. As now amended, each of claims 1 and 18 require the support members, which define the food item support zone and the food item access zone, to be fixed

Application Serial No. 10/803,914  
Reply to Office Action dated May 3, 2006

relative to the front, rear and opposing side rods. This further clarification is seen to be quite distinct from the required rotatable food support in Hirsch.

With respect to the rejection of claims 18-20, the Applicant respectfully submits that, for at least the reasons set forth above, the Hirsch reference and, correspondingly, the combination of Hirsch in view of Barnes et al., fails to teach a support platform corresponding to that presented in claims 1 and 18, let alone a support platform having an analogous food item access zone.

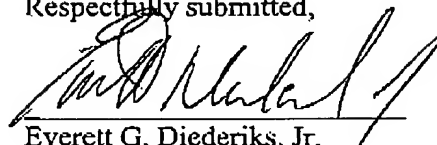
The Applicant also respectfully submits that none of the prior art, when taken singly or in combination, teaches many of the more specific limitations presented in the dependent claims. For example, claim 5 requires that the second plurality of support members include an offset portion that leads to the bend portion of the vertically offset portion. In contrast to the position taken by the Examiner, the unnumbered rod in Bartley does not constitute one of the second plurality of support members leading to the bend portion of the vertically offset portion. That is, the unnumbered rod does not extend between one of the front and rear or opposing side rods of the frame. Claim 6 requires that the offset portion of each of the second plurality of support members extends in a plane which is vertically below the common plane. Again, the unnumbered rod does not constitute one of the second plurality of support members. Claim 3 requires that the second plurality of support members include a bend portion that at least partially defines the food item access zone, while claims 9 and 20 require that the front rod also include first and second frontal segments arranged laterally outwardly of the vertical offset portion. In contrast, brace 32 does not include first and second segments that extend laterally outward of the vertical offset portion.

Based on the above remarks and the amendments to the claims, it is respectfully submitted that the present invention is clearly patentably defined over the prior art of record such that allowance of all claims and passage of the application to issue is respectfully requested. If the Examiner should have any additional questions or concerns

Application Serial No. 10/803,914  
Reply to Office Action dated May 3, 2006

regarding this matter, he is cordial invited to contact the undersigned at the number provided below to expedite the prosecution.

Respectfully submitted,



Everett G. Diederiks, Jr.  
Attorney for Applicant  
Reg. No. 33,323

Date: August 3, 2006  
**DIEDERIKS & WHITELAW, PLC**  
12471 Dillingham Square, #301  
Woodbridge, VA 22192  
Tel: (703) 583-8300  
Fax: (703) 583-8301